

THE LAW OFFICE OF JOHN A.
FIALCOWITZ, LLC
John A. Fialcowitz
89 Headquarters Plaza
North Suite 1216
Morristown, NJ 07960
Telephone: (973) 813-7227
john@fialcowitzlaw.com

CAPLIN & DRYSDALE, CHARTERED
James P. Wehner (admitted *pro hac vice*)
Jeffrey A. Liesemer (admitted *pro hac vice*)
One Thomas Circle, N.W., Suite 1100
Washington, D.C. 20005
Telephone: (202) 862-5000
jwehner@capdale.com
jliesemer@capdale.com

Co-Counsel for the Official Committee of Asbestos Claimants

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

| | | |
|--|---|------------------------|
| In re: | : | |
| | : | Chapter 11 |
| DURO DYNE NATIONAL CORP., <i>et al.</i> , ¹ | : | Case No. 18-27963-MBK |
| Debtors. | : | (Jointly Administered) |
| | : | |

**TWENTY-FIRST MONTHLY FEE STATEMENT OF
CAPLIN & DRYSDALE, CHARTERED FOR THE PERIOD
FROM JULY 1, 2020, THROUGH JULY 31, 2020**

Caplin & Drysdale, Chartered (“**Caplin & Drysdale**” or the “**Applicant**”), counsel for the Official Committee of Asbestos Claimants (the “**Committee**”), hereby submits this twenty-first monthly fee statement² for the period commencing July 1, 2020, through July 31, 2020 (the “**Twenty-First Fee Statement**”) pursuant to the *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained by Order of this Court*, dated December 18, 2018 (Docket No. 345) (the “**Interim Compensation Order**”).

¹ The “**Debtors**” in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are Duro Dyne National Corp. (4664), Duro Dyne Machinery Corp. (9699), Duro Dyne Corporation (3616), Duro Dyne West Corp. (5943), and Duro Dyne Midwest Corp. (4662).

² Caplin & Drysdale’s first monthly fee statement was also filed as an interim fee application under the title *First Interim Fee Application of Caplin & Drysdale, Chartered for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 (Docket No. 337).

Pursuant to the Interim Compensation Order, responses to the Twenty-First Fee Statement, if any, are due by September 4, 2020.

Dated: August 25, 2020

By: /s/ James P. Wehner

James P. Wehner, Esq. (admitted *pro hac vice*)
Jeffrey A. Liesemer, Esq. (admitted *pro hac vice*)
One Thomas Circle, N.W., Suite 1100
Washington, DC 20005
Telephone: (202) 862-5000
Facsimile: (202) 429-3301
jwehner@capdale.com
jliesemer@capdale.com

*Counsel to the Official Committee
of Asbestos Claimants*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

Debtor: Duro Dyne National Corp., et al.¹ Applicant: Caplin & Drysdale, Chartered
Case No.: 18-27963 (MBK) Client: Official Committee of
Asbestos Claimants
Chapter: 11 Case Filed: September 7, 2018

**COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION
UNDER PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746**

RETENTION ORDER(S) ATTACHED AS EXHIBIT B

**TWENTY-FIRST MONTHLY FEE STATEMENT² OF
CAPLIN & DRYSDALE, CHARTERED FOR THE PERIOD
FROM JULY 1, 2020, THROUGH JULY 31, 2020**

**SECTION 1
FEE SUMMARY**

| | <u>FEES</u> | <u>EXPENSES</u> |
|--------------------------------|-----------------------|------------------------|
| TOTAL PREVIOUSLY REQUESTED | <u>\$1,802,378.25</u> | <u>\$32,661.63</u> |
| TOTAL ALLOWED TO DATE | <u>\$1,740,993.75</u> | <u>\$32,061.98</u> |
| TOTAL RETAINER (IF APPLICABLE) | <u>\$0.00</u> | <u>\$0.00</u> |
| TOTAL HOLDBACK (IF APPLICABLE) | <u>\$12,276.90</u> | <u>\$0.00</u> |
| TOTAL RECEIVED BY APPLICANT | <u>\$1,740,993.75</u> | <u>\$32,061.98</u> |
| FEE TOTALS – PAGE 2 | <u>\$27,307.50</u> | |
| DISBURSEMENTS TOTALS – PAGE 3 | <u>\$623.02</u> | |
| TOTAL FEE APPLICATION | <u>\$27,930.52</u> | |
| MINUS 20% HOLDBACK | <u>\$5,461.50</u> | |
| AMOUNT SOUGHT AT THIS TIME | <u>\$22,469.02</u> | |

¹ The “**Debtors**” in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are Duro Dyne National Corp. (4664), Duro Dyne Machinery Corp. (9699), Duro Dyne Corporation (3616), Duro Dyne West Corp. (5943), and Duro Dyne Midwest Corp. (4662).

² Caplin & Drysdale’s first monthly fee statement was also filed as an interim fee application under the title *First Interim Fee Application of Caplin & Drysdale, Chartered for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 (Docket No. 337).

| NAME OF PROFESSIONAL & TITLE | YEAR ADMITTED | HOURS | RATE | FEES |
|----------------------------------|---------------|-------------|-----------------|--------------------|
| Ann C. McMillan, Member | 1984 | 0.1 | \$880 | \$88.00 |
| James P. Wehner, Member | 1995 | 3.4 | \$795 | \$2,703.00 |
| Jeffrey A. Liesemer, Member | 1993 | 27.6 | \$795 | \$21,942.00 |
| Cecilia Guerrero, Paralegal | N/A | 2.8 | \$340 | \$952.00 |
| Brigette A. Wolverton, Paralegal | N/A | 5.5 | \$295 | \$1,622.50 |
| TOTAL FEES | | 39.4 | | \$27,307.50 |
| ATTORNEY BLENDED RATE | | | \$693.08 | |

SECTION II
SUMMARY OF SERVICES

| SERVICES RENDERED | HOURS | Fee |
|--|-------------|--------------------|
| (.01) Asset Analysis and Recovery | 0.0 | \$0.00 |
| (.03) Business Operations | 0.0 | \$0.00 |
| (.04) Case Administration | 0.0 | \$0.00 |
| (.05) Claims Administration and Objections | 0.0 | \$0.00 |
| (.07) Fee Applications-Self | 3.1 | \$1,190.50 |
| (.09) Financing | 0.0 | \$0.00 |
| (.10) Litigation | 0.0 | \$0.00 |
| (.11) Plan and Disclosure Statement | 27.4 | \$21,783.00 |
| (.12) Relief from Stay Proceedings | 0.0 | \$0.00 |
| (.13) Tax Issues | 0.0 | \$0.00 |
| (.15) Committee Meetings/Conferences | 3.4 | \$2,711.50 |
| (.16) Travel Time | 0.0 | \$0.00 |
| (.17) Docket Review & File Maintenance | 5.5 | \$1,622.50 |
| (.18) Fee Applications-Others | 0.0 | \$0.00 |
| (.19) Retention Applications-Others | 0.0 | \$0.00 |
| (.20) Retention Applications-Self | 0.0 | \$0.00 |
| (.22) Review Fee Application-Other Parties | 0.0 | \$0.00 |
| SERVICE TOTALS: | 39.4 | \$27,307.50 |

SECTION III SUMMARY OF DISBURSEMENTS

| DISBURSEMENTS | AMOUNT |
|---|-----------------|
| Computer Assisted Legal Research | \$0.00 |
| Conference Call Charges | \$6.24 |
| Courier & Express Carriers | \$0.00 |
| Court Reporting | \$0.00 |
| Fax | \$0.00 |
| Filing Fees | \$0.00 |
| Other Research | \$0.00 |
| Pacer Fees | \$615.20 |
| Postage | \$0.00 |
| Reproduction Services - In-house | \$0.00 |
| Reproduction Services - Outside | \$0.00 |
| Travel | \$0.00 |
| Other (specify): eDiscovery | \$1.58 |
| DISBURSEMENTS TOTAL: | \$623.02 |

SECTION IV CASE HISTORY

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. § 506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 8, 2018, effective as of September 26, 2018 [Docket No. 258]. *See Order attached.*
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:
 - a) Caplin & Drysdale analyzed issues related to the Plan and Plan documents, including revisions of Plan documents;
 - b) Caplin & Drysdale communicated with the Committee regarding case status and developments;
 - c) Caplin & Drysdale prepared and filed fee applications;
 - d) Caplin & Drysdale spent time working with counsel for the other Plan proponents and internally on general case matters, and status issues, as well as organizing and maintaining the case filing system and docket review for the bankruptcy case;
 - e) Caplin & Drysdale performed other professional services as counsel for the Committee as necessary and appropriate in these chapter 11 cases.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (unknown at this time)
- (B) SECURED CREDITORS: (unknown at this time)
- (C) PRIORITY CREDITORS: (unknown at this time)
- (D) GENERAL UNSECURED CREDITORS: (unknown at this time)

(6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the above is true.

Date: August 25, 2020

/s/ James P. Wehner

Signature

EXHIBIT A



One Thomas Circle NW, Suite 1100
Washington, DC 20005
Federal Tax I.D. No.: 52-1226629
www.capdale.com

Telephone: (202) 862-5000

Fax: (202) 429-3301

Official Committee of Asbestos Claimants of Duro Dyne National

Invoice #: 329041
Page: 1

RE: Duro Dyne Bankruptcy

For Professional Services Rendered Through July 31, 2020

| | |
|-----------------------|-------------|
| Total Services | \$27,307.50 |
| Total Disbursements | \$623.02 |
| Total Current Charges | \$27,930.52 |

Remittance Advice

Payment is due upon receipt. If you should have any questions, please email accounting@capdale.com.

Check Payable To:

Caplin & Drysdale, Chartered
Attn: Accounts Receivable
One Thomas Circle NW, Suite 1100
Washington, DC 20005

Wire Transfer:

Receiving Bank: Bank of America
ABA Wire Routing Number: 026009593
ABA ACH Routing Number: 054001204
Swift Code: BOFAUS3N
Beneficiary: Caplin & Drysdale, Chartered
Account Number: 001920814809

Credit Card:

We accept American Express. A service fee of 2.4% for Corporate Cards and 2.95% for Individual Cards will be added to all payments.
Please return this remittance page with your payment. Thank you.



One Thomas Circle NW, Suite 1100
Washington, DC 20005
Federal Tax I.D. No.: 52-1226629
www.capdale.com

Telephone: (202) 862-5000

Fax: (202) 429-3301

Official Committee of Asbestos Claimants of Duro Dyne National

August 25, 2020
Invoice #: 329041
Page: 1

RE: Duro Dyne Bankruptcy

For Professional Services Rendered Through July 31, 2020

SERVICES

| Date | Person | Description of Services | Hours | Rate | Amount |
|--|--------|--|-------|-------------|-------------------|
| .07 Fee Applications-Self | | | | | |
| 7/9/2020 | CG | Prepare CNO (.3); communications w/ local counsel re same (.1). | 0.4 | \$340.00 | \$136.00 |
| 7/24/2020 | JPW | Review monthly; emails re same. | 0.3 | \$795.00 | \$238.50 |
| 7/24/2020 | CG | Review, revise, and finalize monthly fee application. | 2.4 | \$340.00 | \$816.00 |
| Total | | | | 3.10 | \$1,190.50 |
| .11 Plan & Disclosure Statement | | | | | |
| 7/1/2020 | JAL | Review and analyze materials in prep for call with Bank's counsel re exit loan docs (1.4); telephone call with J. Prol, S. Yusem, C. Gear, and R. Stehl re same (1.2). | 2.6 | \$795.00 | \$2,067.00 |
| 7/6/2020 | JAL | Review correspondence from J. Prol and JPW re potential plan modification and email to J. Sinclair re same. | 0.3 | \$795.00 | \$238.50 |
| 7/6/2020 | JPW | Emails re plan issues. | 0.2 | \$795.00 | \$159.00 |
| 7/7/2020 | JPW | Exchange emails re plan issue. | 0.4 | \$795.00 | \$318.00 |
| 7/8/2020 | JPW | Exchange emails re plan issues. | 0.2 | \$795.00 | \$159.00 |
| 7/9/2020 | JAL | Correspondence with J. Sinclair re plan issue. | 0.2 | \$795.00 | \$159.00 |
| 7/10/2020 | JAL | Review and analyze correspondence from J. Sinclair re plan issue (1.4); telephone call with J. Sinclair re same (0.6); telephone call with JPW re same (0.2). | 2.2 | \$795.00 | \$1,749.00 |
| 7/10/2020 | JPW | Teleconference JAL re plan issues (0.2); exchange emails re same (0.2). | 0.4 | \$795.00 | \$318.00 |
| 7/15/2020 | JAL | Teleconference with JPW re plan issues. | 0.1 | \$795.00 | \$79.50 |

SERVICES

| Date | Person | Description of Services | Hours | Rate | Amount |
|---|--------|--|-------|--------------|--------------------|
| .11 Plan & Disclosure Statement | | | | | |
| 7/15/2020 | JPW | Teleconference JAL re confirmation issues. | 0.1 | \$795.00 | \$79.50 |
| 7/17/2020 | JAL | Telephone calls (2x) with JPW re plan issue (0.7); telephone call with JPW and E. Harron re same (0.3); draft and revise email re same (0.2). | 1.2 | \$795.00 | \$954.00 |
| 7/17/2020 | JPW | Teleconference JAL x2 re confirmation issues (0.7); teleconference JAL and E. Harron re same (0.3). | 1.0 | \$795.00 | \$795.00 |
| 7/20/2020 | JAL | Review and analyze markup of draft loan agreement. | 1.3 | \$795.00 | \$1,033.50 |
| 7/23/2020 | JAL | Review and analyze markup of draft loan agreement. | 0.4 | \$795.00 | \$318.00 |
| 7/24/2020 | JAL | Further review and analysis of markup of draft loan agreement and prep for call with Debtors' counsel (2.6); correspondence re same (0.4); telephone call with JPW, J. Prol, and S.B. Kohut re plan issue (0.4); telephone call with JPW re plan issue and next steps (0.1). | 3.5 | \$795.00 | \$2,782.50 |
| 7/24/2020 | JPW | Teleconference J. Prol, JAL, S.B. Kohut re plan issue (.4); teleconference JAL re next steps (.1). | 0.5 | \$795.00 | \$397.50 |
| 7/28/2020 | JAL | Review and analyze markup of draft loan agreement. | 1.0 | \$795.00 | \$795.00 |
| 7/29/2020 | JAL | Review and analysis in prep for conference calls re draft exit loan docs (0.2); telephone call with C. Grear re comments on revised drafts of same (1.1); review and revise draft exit loan agreement and draft intercreditor agreement (0.6); teleconference with J. Prol, S. Yusem, E. Harron, and C. Grear re same (0.6). | 2.5 | \$795.00 | \$1,987.50 |
| 7/30/2020 | JAL | Review and revise draft exit loan documents. | 4.9 | \$795.00 | \$3,895.50 |
| 7/31/2020 | JAL | Review and revise draft exit loan documents (4.0); draft and revise correspondence re same (0.4). | 4.4 | \$795.00 | \$3,498.00 |
| | | | | Total | 27.40 |
| | | | | | \$21,783.00 |
| .15 Committee Meetings/Conferences | | | | | |
| 7/7/2020 | ACM | Exchange e-mails re status update for Committee. | 0.1 | \$880.00 | \$88.00 |
| 7/7/2020 | JAL | Draft and revise memo to Committee. | 1.9 | \$795.00 | \$1,510.50 |
| 7/8/2020 | JAL | Review and analyze Committee correspondence (0.8); telephone call with JPW re same (0.3). | 1.1 | \$795.00 | \$874.50 |
| 7/8/2020 | JPW | Teleconference JAL re Committee correspondence. | 0.3 | \$795.00 | \$238.50 |
| | | | | Total | 3.40 |
| | | | | | \$2,711.50 |
| .17 Docket Review & File Maintenance | | | | | |
| 7/1/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |

SERVICES

| Date | Person | Description of Services | Hours | Rate | Amount |
|---|--------|--|-------|----------|---------|
| .17 Docket Review & File Maintenance | | | | | |
| 7/2/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/6/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/7/2020 | BAW | Prepare materials re recent filings (.2); communications re same (.1). | 0.3 | \$295.00 | \$88.50 |
| 7/8/2020 | BAW | Prepare materials re recent filings (.2); communications re same (.1). | 0.3 | \$295.00 | \$88.50 |
| 7/9/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/10/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/13/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/14/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/15/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/16/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/16/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/17/2020 | BAW | Prepare materials re recent filings (.2); communications re same (.1). | 0.3 | \$295.00 | \$88.50 |
| 7/20/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/20/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/21/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/21/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/22/2020 | BAW | Prepare materials re recent filings (.2); communications re same (.1). | 0.3 | \$295.00 | \$88.50 |
| 7/23/2020 | BAW | Prepare materials re recent filings (.2); communications re same (.1). | 0.3 | \$295.00 | \$88.50 |
| 7/24/2020 | BAW | Prepare materials re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| 7/27/2020 | BAW | Prepare materials re recent filings (.2); communications re same (.1). | 0.3 | \$295.00 | \$88.50 |
| 7/28/2020 | BAW | Prepare materials re recent filings (.2); communications re same (.1). | 0.3 | \$295.00 | \$88.50 |
| 7/29/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |

SERVICES

| Date | Person | Description of Services | Hours | Rate | Amount |
|---|--------|--|--------------|-------------|-------------------|
| .17 Docket Review & File Maintenance | | | | | |
| 7/30/2020 | BAW | Review docket and update internal files re recent filings (.1); communications re same (.1). | 0.2 | \$295.00 | \$59.00 |
| | | | Total | 5.50 | \$1,622.50 |
| | | Total Professional Services | 39.4 | | \$27,307.50 |

PERSON RECAP

| Person | | Title | Hours | Rate | Amount |
|--------|-----------------------|-----------|-------|----------|-------------|
| JAL | Jeffrey A. Liesemer | Member | 27.6 | \$795.00 | \$21,942.00 |
| ACM | Ann C. McMillan | Member | 0.1 | \$880.00 | \$88.00 |
| JPW | James P. Wehner | Member | 3.4 | \$795.00 | \$2,703.00 |
| CG | Cecilia Guerrero | Paralegal | 2.8 | \$340.00 | \$952.00 |
| BAW | Brigette A. Wolverton | Paralegal | 5.5 | \$295.00 | \$1,622.50 |

DISBURSEMENTS

| Date | Description of Disbursements | Amount |
|------------|---|-------------|
| 07/17/2020 | eDiscovery Exp - Services for June 2020 [.18] | \$1.58 |
| 07/23/2020 | Pacer Charges - BAW 04/01-06/30/2020 [.17] | \$3.60 |
| 07/23/2020 | Pacer Charges - CG 04/01-06/30/2020 [.17] | \$611.60 |
| 07/29/2020 | Conf. Call - Conference Calls [.15] | \$6.24 |
| | Total Disbursements | \$623.02 |
| | Total Services | \$27,307.50 |
| | Total Disbursements | \$623.02 |
| | Total Current Charges | \$27,930.52 |

TASK RECAP

Services

| Category | Hours | Amount | Category | Amount |
|----------|--------------|--------------------|----------|-----------------|
| .07 | 3.10 | \$1,190.50 | .15 | \$6.24 |
| .11 | 27.40 | \$21,783.00 | .17 | \$615.20 |
| .15 | 3.40 | \$2,711.50 | .18 | \$1.58 |
| .17 | 5.50 | \$1,622.50 | | |
| | <u>39.40</u> | <u>\$27,307.50</u> | | <u>\$623.02</u> |

BREAKDOWN BY PERSON

| Person | Category | Hours | Rate | Amount |
|---------------------------|----------|--------------|--------------------|-------------|
| JPW James P. Wehner | .07 | 0.30 | \$795.00 | \$238.50 |
| CG Cecilia Guerrero | .07 | 2.80 | \$340.00 | \$952.00 |
| JAL Jeffrey A. Liesemer | .11 | 24.60 | \$795.00 | \$19,557.00 |
| JPW James P. Wehner | .11 | 2.80 | \$795.00 | \$2,226.00 |
| JAL Jeffrey A. Liesemer | .15 | 3.00 | \$795.00 | \$2,385.00 |
| ACM Ann C. McMillan | .15 | 0.10 | \$880.00 | \$88.00 |
| JPW James P. Wehner | .15 | 0.30 | \$795.00 | \$238.50 |
| BAW Brigette A. Wolverton | .17 | 5.50 | \$295.00 | \$1,622.50 |
| | | <u>39.40</u> | <u>\$27,307.50</u> | |

EXHIBIT

B



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
**Caption in Compliance with D.N.J. LBR
9004-1**

John A. Fialcowitz, Esq.
THE LAW OFFICE OF JOHN A.
FIALCOWITZ
89 Headquarters Plaza North, Ste. 1216
Morristown, New Jersey 07960
973.532.7208
John@fialcowitzlaw.com

*Proposed Local Counsel for the Official
Committee of Asbestos Claimants*

Order Filed on November 9, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re: : Chapter 11
DURO DYNE NATIONAL CORP., *et al.*, : Case No. 18-27963 (MBK)
Debtors.¹ : (Jointly Administered)

**[PROPOSED] ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF
CAPLIN & DRYSDALE, CHARTERED, AS THE COMMITTEE'S COUNSEL,
EFFECTIVE *NUNC PRO TUNC* AS OF SEPTEMBER 26, 2018**

The relief set forth on the following pages, numbered two (2) through and including three (3), is hereby **ORDERED**.

DATED: November 9, 2018

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".
Honorable Michael B. Kaplan
United States Bankruptcy Judge

Page: 2
Debtor: Duro Dyne National Corp., et al.
Case No.: 18-27963 (MBK)
Caption: Order Authorizing the Employment and Retention of Caplin & Drysdale, Chartered, as the Committee's Counsel, Effective *Nunc Pro Tunc* as of September 26, 2018

Before this Court is the *Application of the Official Committee of Asbestos Claimants for an Order Authorizing the Employment and Retention of Caplin & Drysdale, Chartered, as the Committee's Counsel, Effective Nunc Pro Tunc as of September 26, 2018* (the “**Application**”), which was filed by the Official Committee of Asbestos Claimants (the “**Committee**”) on October 29, 2018. Based on the record herein, and after due deliberation thereon, this Court finds and concludes that (i) the law firm of Caplin & Drysdale, Chartered (“**Caplin & Drysdale**”), does not represent any entity having an interest adverse to the Committee or to the asbestos-related creditors of the Debtors’ estates in connection with the matters for which the Committee proposes to employ Caplin & Drysdale; (ii) Caplin & Drysdale is a “disinterested person” pursuant to §§ 101(14) and 328(c) of the Bankruptcy Code; (iii) proper and adequate notice of the Application has been given and no other or further notice is necessary; and (iv) the Committee’s employment and retention of Caplin & Drysdale as its counsel should be approved. Accordingly, **IT IS HEREBY ORDERED**, that:

1. The Application is granted and approved;
2. The Committee is authorized to employ and retain Caplin & Drysdale as its counsel on the terms set forth in the Application, pursuant to §§ 328 and 1103 of the Bankruptcy Code, effective *nunc pro tunc* as of September 26, 2018;
3. Caplin & Drysdale shall be compensated in accordance with the procedures set forth in §§ 330 and 331 of the Bankruptcy Code, the applicable Federal Rules of Bankruptcy Procedure, the orders and rules of this Court, and such other procedures as may be fixed by order of this Court;

Page: 3
Debtor: Duro Dyne National Corp., *et al.*
Case No.: 18-27963 (MBK)
Caption: Order Authorizing the Employment and Retention of Caplin & Drysdale, Chartered, as the Committee's Counsel, Effective *Nunc Pro Tunc* as of September 26, 2018

4. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Application or otherwise waived;
5. This Order shall be immediately effective and enforceable upon its entry; and
6. The Court shall retain jurisdiction with respect to all matters arising or related to the implementation of this order.